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Rick Otenasek

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EXAMINER

INGVOLDSTAD, BENNETT

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/075,095

**Applicant(s)**

OTENASEK ET AL.

**Examiner**

Bennett Ingvaldstad

**Art Unit**

2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31 October 2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 31 October 2008 have been considered in full.
3. Applicant argues that Carden does not teach editing of a separate abstract record by the reviewing/editing authority. Remarks, pgs. 8, 9. However, this argument is moot, as the new Knapp reference teaches editing a separate abstract record by a reviewing/editing authority. See Knapp Fig. 52 and related specification, with particular reference to the editable "description" 1436, which is interpreted as an abstract record.
4. Applicant argues that Bartholomew and Carden do not teach sending a publication approval message to an administrative site upon approval of a work by the reviewing/editing authority. Remarks, pg. 10. This argument is also moot, as Knapp teaches a reviewing authority indicating a user submission is ready for publication by selecting a ready button 568 (Fig. 52). Knapp teaches subsequently publishing works

on the site. Knapp col. 52, lls. 59-63. Therefore, one of ordinary skill would interpret the indication of a work as "ready" for publication and the subsequent publication of the work as a message from the reviewer to the publication/administrator site.

5. See the respective rejections.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-7, 9, 11, 13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew (US 7069310) in view of Knapp (US 6769010) and Carden (US 7263655).

Claim 1: Bartholomew discloses a system for distributed maintenance and publishing control of a library of multimedia works for public access over the internet [Abstract], comprising:

an upload site accessible over a distributed communication backbone for receiving one or more multimedia works that one or more users have submitted to the upload site for public access distribution (Abstract: server for storing, posting and distributing media files) and storing a library of the submitted

multimedia works (storage 350 [Fig 3] containing database of media files from user locations [col. 8, l. 47-62]);

an administrator site for maintaining the library of multimedia works stored at the upload site (application server 330 [Fig 3] manages files 470, 490 [Fig 4] [col. 9, l. 11-19]), wherein maintaining the library of multimedia works includes tagging each of the multimedia works with an abstract record that includes one or more data fields relating to the multimedia works (content descriptive information [col 16, l. 15-17]) and storing the multimedia works in the library [col 15, l 55-65], and further storing the abstract records relating to the multimedia works in the library (updating the databases after entering descriptive information [col. 16, l. 9-22]); and

a catalog of available multimedia works intermittently compiled from the abstract records stored in the library, wherein the catalog is maintained at the administrator site (database listing for accessing media files [col. 12, l. 26-35]);

Bartholomew does not disclose a remote content review/control site as claimed.

Knapp teaches a remote content review/control site for reviewing, editing, and publishing user submissions to a tutorial database, wherein a reviewer views each submitted work (Fig. 52 and description) and edits an abstract record relating to each submitted work (Fig. 52: description 1436 may be edited 1462), wherein the reviewer must approve each work made available for public access (Fig. 52: by selecting a ready option 568), subsequently sending a publication

approval message to the publishing site to indicate the approval for publication, the publishing site approving the works for publication in response to receiving the publication approval message from the reviewer site (col. 52, l. 49-55).

The use of a known technique to improve similar devices in the same manner is obvious. Bartholomew and Knapp are similar in that both teach sites for receiving and publishing user-submitted works. Therefore, it would have been obvious to implement Knapp's review and editing technique within the system of Bartholomew, thus yielding predictable results by adapting the tutorial reviewing-and-editing technique to be a multimedia reviewing-and-editing technique, for the purpose of maintaining quality and control of information that is disseminated by the site (Knapp, col. 52, l. 60-63).

However, Bartholomew in view of Knapp does not specifically contemplate the remote reviewer viewing a real-time stream of each work, nor the reviewer site intermittently polling the catalog of new works to determine when a new work is available for review.

Carden discloses a system for reviewing/editing uploaded multimedia documents including streaming videos [col. 5, l. 16-24] comprising:

a remote content review/control site [col. 3, l. 10-16] that intermittently polls the catalog of available multimedia works maintained at the administrator site (the database 101 maintained by server 105 including administrator module 107 [Fig 1]) to ascertain when new multimedia works have become available (reviewer is notified when a new work becomes available [col. 3, l. 10-16]), the

remote content review/control site allowing a reviewing authority that operates the remote content review/control site to edit the abstract (edit the document [col. 1, l. 24] which includes an abstract 1014 [Fig 10A]) and view a real-time stream of each multimedia work in the catalog [col. 5, l. 16-24], wherein the reviewing authority must approve each multimedia work made available for public access and the remote content review/control site sends a publication approval message to the network administrator site to indicate when the reviewing authority approves one or more of the multimedia works in the catalog for public access (reviewer writes a publication recommendation email which is forwarded to a BOE for a final decision before publication [col. 9, l. 9-14 & 29-37]), thereby making the approved multimedia works available for public access through the administrator site [Abstract].

It would have been further obvious to have adapted Carden's techniques for reviewing the multimedia works by streaming video and polling a catalog to see when new works are available for the purpose of expediting the review process.

Claim 2: Bartholomew in view of Carden further discloses the system of claim 1, wherein said central library of multimedia works stored at the central server is maintained in an SQL database [Carden col. 8, l 20].

Claim 3: Bartholomew further discloses the system of claim 1, wherein said central library of multimedia works stored at the central server is maintained in a

uniform digital video format (files are encoded in a standard format before uploading [col. 12, l. 7]).

Claim 5: Bartholomew discloses a method for distributed maintenance and publishing control of a library of multimedia works for public access over the internet [Abstract], comprising:

providing a web portal at a central upload site that independent multimedia producers can use to upload multimedia works for public access distribution (web site for uploading videos [col. 9, l. 46-51]);

performing pre-processing on each of the multimedia works uploaded to the central upload site, wherein the pre-processing includes verifying one or more of a file format (user plugin verifies format [col. 12, l. 2-7]), a file size (using compression [col. 11, l. 51-65], a file type (video format [col. 12, l. 2-7]), a file name, or a file extension for each of the multimedia works submitted for public access distribution, tagging each of the multimedia works with an abstract [col 16, l. 15-23], and storing the tagged multimedia works [col 15, l 55-65] and the associated abstracts in a database of multimedia works ... [col 16, l 15-23];

Bartholomew does not further disclose sending an administrative alert, maintaining a catalog of works needing approval, or a remote content review/control site.

Knapp teaches a remote content review/control site for reviewing, editing, and publishing user submissions to a tutorial database, wherein a reviewer views



each submitted work (Fig. 52 and description) and edits an abstract record relating to each submitted work (Fig. 52: description 1436 may be edited 1462), wherein the reviewer must approve each work made available for public access (Fig. 52: by selecting a ready option 568), subsequently sending a publication approval message to the publishing site to indicate the approval for publication, the publishing site approving the works for publication in response to receiving the publication approval message from the reviewer site (col. 52, l. 49-55).

The use of a known technique to improve similar devices in the same manner is obvious. Bartholomew and Knapp are similar in that both sites for receiving and publishing user-submitted works. Therefore, it would have been obvious to implement Knapp's review and editing technique within the system of Bartholomew, thus yielding predictable results by adapting the tutorial reviewing-and-editing technique to be a multimedia reviewing-and-editing technique, for the purpose of maintaining quality and control of information that is disseminated by the site (Knapp, col. 52, l. 60-63).

However, Bartholomew in view of Knapp does not specifically contemplate the remote reviewer viewing a real-time stream of each work, nor the reviewer site intermittently polling the catalog of new works to determine when a new work is available for review and sending an administrative alert.

Carden discloses a system for reviewing/editing uploaded multimedia documents including streaming videos [col. 5, l. 16-24] comprising:

sending an administrative alert to an administrator for each multimedia work added to the database of multimedia works needing approval [col. 9, l. 15-27];

maintaining a catalog of available multimedia works intermittently compiled from the abstracts stored in the database of multimedia works needing approval (new/outstanding manuscripts list 1101, 1102 [Fig 11]); and

intermittently polling the catalog of available multimedia works from a remote content review/control site to ascertain when new multimedia works have become available (for notifying reviewers [col 3, l. 10-16]), the remote content review/control site allowing a reviewing authority that operates the remote content review/control site to edit the abstract (edit the document [col. 1, l. 24] which includes an abstract 1014 [Fig 10A]) and view a real-time stream of each multimedia work in the catalog [col. 5, l. 16-24], wherein the reviewing authority must approve each multimedia work made available for public access and the remote content review/control site sends a publication approval message to the central upload site to indicate when the reviewing authority approves one or more of the multimedia works in the catalog for public access (reviewer writes a publication recommendation email which is forwarded to a BOE for a final decision before publication [col. 9, l. 9-14 & 29-37]), thereby making the approved multimedia works available for public access through the web portal at the central upload site [Abstract].

It would have been further obvious to have adapted Carden's techniques for reviewing the multimedia works by streaming video and polling a catalog to see when new works are available for the purpose of expediting the review process.

Claims 6 and 7 are rejected as indicated for claims 2 and 3 respectively.

Claim 9: Bartholomew discloses a method for distributed maintenance and publishing control of a library of multimedia works for public access over the internet [Abstract], comprising:

uploading digital multimedia works from one or more independent multimedia producers to a central upload site for public access distribution (web site for uploading videos [col. 9, l. 46-51]);

tagging each uploaded digital multimedia work with an abstract that includes one or more of a media category, a media subject (information describing content [col. 16, l. 9-22]), a media date, a media runtime, a media author, or a media rating;

Bartholomew does not further disclose a database of works needing approval or a remote content review/control site.

Knapp teaches a remote content review/control site for reviewing, editing, and publishing user submissions to a tutorial database, wherein a reviewer views each submitted work (Fig. 52 and description) and edits an abstract record relating to each submitted work (Fig. 52: description 1436 may be edited 1462),

wherein the reviewer must approve each work made available for public access (Fig. 52: by selecting a ready option 568), subsequently sending a publication approval message to the publishing site to indicate the approval for publication, the publishing site approving the works for publication in response to receiving the publication approval message from the reviewer site (col. 52, l. 49-55).

The use of a known technique to improve similar devices in the same manner is obvious. Bartholomew and Knapp are similar in that both sites for receiving and publishing user-submitted works. Therefore, it would have been obvious to implement Knapp's review and editing technique within the system of Bartholomew, thus yielding predictable results by adapting the tutorial reviewing-and-editing technique to be a multimedia reviewing-and-editing technique, for the purpose of maintaining quality and control of information that is disseminated by the site (Knapp, col. 52, l. 60-63).

However, Bartholomew in view of Knapp does not specifically contemplate the remote reviewer viewing a real-time stream of each work, nor the reviewer site intermittently polling the catalog of new works to determine when a new work is available for review and sending an administrative alert.

Carden discloses a system for reviewing, editing, and publishing uploaded multimedia documents [col. 1, l. 19-25] comprising:

storing the tagged digital multimedia works and the associated abstracts in a database of digital multimedia works needing approval on a web-enabled network server (in database 101 for review [Fig 1]);

intermittently polling the abstracts in the database of digital multimedia works needing approval to compile a catalog of available digital multimedia works at the web-enabled network server (new/outstanding manuscripts list 1101, 1102 [Fig 11]); and

maintaining a remote content review/control site for reviewing and controlling availability of the digital multimedia works for public access, the remote content review/control site intermittently polling the catalog of available digital multimedia works at the web-enabled network server to ascertain when new digital multimedia works have become available (for notifying reviewers [col 3, l. 10-16]), the remote content review/control site allowing a reviewing authority that operates the remote content review/control site to screen each digital multimedia work in the catalog by viewing the abstract (edit the document [col. 1, l. 24] which includes an abstract 1014 [Fig 10A]) and a real-time stream of the screened digital multimedia work [col. 5, l. 16-24], wherein the reviewing authority must approve each digital multimedia work made available for public access (reviewer writes a publication recommendation email which is forwarded to a BOE for a final decision before publication [col. 9, l. 9-14 & 29-37]), whereby the remote content review/control site operates as a gatekeeper to screen the digital multimedia works to be made available for public access [Abstract].

It would have been obvious to have used the video reviewing system with Bartholomew's video upload system for the purpose of reviewing and editing the uploaded videos before publication.

Claim 11: Bartholomew further discloses the method of claim 9, further comprising providing public access to the real-time stream for all of the digital multimedia works made available for public access [col 15, l. 55-65].

Claim 13: Bartholomew further discloses the system of claim 1, wherein maintaining the central library of multimedia content further includes verifying one or more of a file type, a file size, a file name, a file extension, or a file format for each of the multimedia works submitted for public access distribution prior to the multimedia works being stored in the central library (preprocessing includes compressing a file size and transcoding to a standard file type [col. 11, l. 52 – col. 12, l. 7]).

Claim 15: Bartholomew further discloses the system of claim 1, wherein each of the abstracts associated with the tagged multimedia works includes one or more of a media category, a media subject (information describing content [col. 16, l. 9-22]), a media date, a media runtime, a media author, or a media rating.

Claim 16: Bartholomew in view of Carden and Knapp further discloses the system of claim 15, the remote content review/control site further allowing the reviewing authority to designate a new media category and subsequently assign one or more of the multimedia works in the catalog to the new media category

(users with access to the database [col 12, l. 26-35] can create a category of files that are similar to a selected file [col 12, l. 26-35]; see also Knapp's editing of a "department" category 1438 [Fig 52] in conjunction with Knapp's add category page [Fig 18 and description])).

Claim 17: Bartholomew in view of Carden further discloses the system of claim 15, the remote content review/control site further allowing the reviewing authority to designate one or more of the multimedia works in the catalog to be showcased on web pages corresponding to the media category (users such as reviewers [Carden] can create customized category web page lists [Bartholomew col 16, l. 59-67]).

Claim 18: Bartholomew in view of Carden further discloses the system of claim 1, the remote content review/control site further allowing the reviewing authority to designate one or more of the multimedia works in the catalog to be showcased on a homepage for the multimedia works approved for public access (page at file serving location [Bartholomew col 15, l. 55-65; col 12, l 19-35]).

8. Claims 4, 8, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew (US 7069310) in view of Knapp (US 6769010), Carden (US 7263655) and Son (US 7159233).

Claims 4 and 8: Bartholomew in view of Knapp and Carden discloses that uploaded works are stored in a uniform digital video format as indicated in the claim 3 rejection.

Bartholomew in view of Knapp and Carden does not disclose that the uniform digital format is the AVI format.

Son discloses that a digital format for uploading and storing videos for distribution may be the AVI format [col 3, l. 21-42].

Therefore it would have been obvious for the uniform digital format to have been the AVI format due to the utility of the AVI format for storing video.

Claim 14: Bartholomew in view of Knapp and Carden discloses that the reviewing authority that operates the remote content review/control site is a service provider [Carden col. 2, l. 1].

Bartholomew in view of Knapp and Carden does not disclose that the service provider is a cable television service provider as claimed.

Son discloses that a system for streaming VOD may be implemented by a cable service provider [col. 1, l. 47-49].

Therefore it would have been obvious for the service provider to have been a cable television service provider for the purpose of streaming the uploaded videos as VOD to user televisions.



9. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew (US 7069310) in view of Knapp (US 6769010), Carden (US 7263655) and Tota (US 7308413).

Claim 10: Bartholomew in view of Knapp and Carden does not disclose that the videos may be submitted to the web site by mailing video tapes in NTSC format.

Tota discloses a method for submitting video content [Abstract] comprising receiving one or more mailed video tapes in NTSC format from one or more independent multimedia producers and digitizing the NTSC video tapes to create the digital multimedia works uploaded to the central upload site (video tapes are submitted via mail [col. 17, l. 40-45] [col 18, l. 58-67]).

Claim 12: Bartholomew in view of Carden does not disclose that submitters must agree to a waiver.

Tota discloses such a waiver/disclaimer [col. 13, l. 57-67].

It would have been obvious to have required a waiver for the purpose of preventing the creator of the content from exercising copyright.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvaldstad whose telephone number is (571)270-3431. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/  
Primary Examiner, Art Unit 2421

01/13/2009

/Bennett Ingvaldstad/  
Examiner, Art Unit 2427